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CIA chief: Wiretap warrants risky but worth it

Associated Press

WASHINGTON — CIA Director Stansfield Turner said yesterday that there would be some risks if judicial warrants were required for national security wiretaps in the United States, but "I think they are risks worth taking."

Turner testified before a Senate Judiciary subcommittee that is considering a bill to tighten controls on U. S. electronic intelligence-gathering against agents of foreign countries.

Turner said that the bill, supported by President Carter, "strikes a fair balance between intelligence needs and privacy interests."

It was endorsed also by Secretary of Defense Harold Brown, who said it "protects the rights of Americans not only to the extent that they are required to be protected by the courts' interpretations of the Fourth Amendment, but beyond that to the extent they are required to be protected to meet the reasonable expectations of our people."

The bill drew criticism, however,

from the American Civil Liberties Union (ACLU), particularly for its provision authorizing wiretap warrants against individuals suspected of non-criminal clandestine activities likely to harm U. S. security.

John H. F. Shattuck, ACLU attorney, said that unless the bill was amended to limit all wiretaps to a criminal standard, "it will constitute a step backward in Congress' effort to bring the intelligence agencies under the control of the Constitution."

In national security cases, wiretaps and bugging have been authorized by the attorney general, acting as an agent of the President, on the ground that the President has inherent constitutional power to protect the national security. The bill would require that the attorney general apply to one of seven federal judges, who would be designated by the Supreme Court for a warrant, to gain approval of such surveillance.

Brown said that the six intelligence agencies of the Department of De-

fense in January, Brown said, the gence wiretapping on the United States on their own. He said the department, in requesting surveillance authority, normally asked the FBI to assume jurisdiction.

Since he became secretary of defense in January, Brown said, the Defense Department has asked the attorney general to approve new electronic surveillance within the United States on only six occasions.

He said all of these involved foreign powers, not individuals, and one request was disapproved.

The Defense Department does engage in "consensual wiretapping," in which one party to a conversation agrees to the telephone tap, in criminal investigations involving members of the armed forces on military reservations, Brown said.